

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

Devin G. Nunes, et al.

Appellants.

v.

No. 23-2322

Ryan Lizza, et al.,

Appellees.

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE  
CORRECTED OPENING BRIEF AND JOINT APPENDIX**

Appellants respectfully move this Court for a 14-day extension of time to file their corrected opening brief and joint appendix, currently due on November 14, 2023. The Plaintiff-Appellees consent to this 14-day extension.

There is good cause for this requested relief. As the Court is aware, Appellants' former counsel suffered a medical emergency requiring him to withdraw from this matter. Since that time, a Virginia court has appointed a receiver to manage Mr. Biss' files. Unfortunately, this has not been a simple process. After Mr. Biss' emergency, but before the appointment of the receiver, Mr. Biss' office was broken into and ransacked by an unknown individual. Mr. Biss' files are now no longer in

order. Further, Mr. Biss' laptop, with all client files, is also missing. As such, undersigned counsel is still rebuilding the client file for this matter. The receiver is working tirelessly to gather the client documents and his next update is due to the Virginia courts on December 7, 2023, and he has assured undersigned counsel that he will provide all documents as soon as possible.

An extension of time is warranted both to address the rebuilding of Appellants' case files and creating a proper joint appendix, which will contain sealed documents and audio recordings which were designated by Mr. Biss and opposing counsel for the joint appendix. A two-week extension will allow time to work with the receiver and a printer to recreate the opening brief and a corrected appendix to file with this Court.

Dated: November 13, 2023

Respectfully submitted,

/s/ Jesse R. Binnall

Jesse R. Binnall

Matt M. Dummermuth

BINNALL LAW GROUP, PLLC

717 King Street, Suite 200

Alexandria, Virginia 22314

Phone: (703) 888-1943

Fax: (703) 888-1930

Email: jesse@binnall.com  
matt@binnall.com  
*Attorneys for Appellants*

## CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 303 words, calculated using Microsoft Word's word-count function. This motion also complies with the typeface and type- style requirements of Federal Rules of Appellate Procedure 27(d)(1)(E) and 32(a)(5)-(6) because it was prepared using Microsoft Word in Century, a 14-point font, a proportionally spaced typeface.

Dated: November 13, 2023

/s/ Jesse R. Binnall  
Jesse R. Binnall

*Attorney for Appellants*

## CERTIFICATE OF SERVICE

I certify that on November 13, 2023, a copy of the foregoing was filed with the Clerk of the Court using the Court's CM/ECF system, which will send a copy to all counsel of record.

/s/ Jesse R. Binnall  
Jesse R. Binnall

*Attorney for Appellants*